

## REMARKS

Claims 1-4 have been amended to further clarify the subject matter regarded as the invention; however, no substantive claim amendment has been made. In addition, new claims 23 and 24 have been added, and claim 15 has been cancelled. Thus, claims 1-14 and 16-24 are now pending.

In the Office Action, the Examiner rejected the claims under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) as being anticipated or suggested by U.S. Patent No. 5, 778,181 (*Hidary et al.*). This rejection is fully traversed below.

The present application relates to techniques for accessing synchronized data in a broadcast system. In accordance with one aspect of the invention, a synchronized data accessing system provides an interface that can be used by a data requester to access synchronized data. The data requester can initiate a request to access synchronized data using the interface, and data can be made available and accessed by the data requester through the interface when it becomes available (see, for example, Abstract of the invention).

## Claims 14-22

As a representative claim, claim 14 pertains to a method of accessing synchronized data which is transmitted by a broadcaster in a broadcast system. Claim 14 recites: (a) acquiring a listener interface that provides an interface for a data requester to request access to synchronized data, (b) acquiring a point of access interface that allows the listener to access synchronized data, (c) linking the listener interface to the point of access interface, and (d) accessing synchronized data through the listener interface via the point of access interface.

It is noted that *Hidary et al.* states that a control panel provides a list of URLs that have been broadcast. It is also noted that *Hidary et al.* states that the list of URLs may be updated each time a new URL is received and the subscriber can go back and retrieve web pages using the list of URL's (*Hidary et al.*, Col. 5, lines 46-59). Contrary to the Examiner's assertion, it is respectfully submitted that the control panel of *Hidary et al.* does not teach acquiring a listener interface. It should be noted the listener interface provides an interface for a data requester to request access to synchronized data.

The control panel of *Hidary et al.*, however, is not a listener interface because the control panel of *Hidary et al.* does not function as listener given even the broadest possible interpretation (i.e., listen for an event to occur). The control panel of *Hidary et al.* merely displays information. Moreover, *Hidary et al.* does NOT teach acquiring a listener interface. Instead, *Hidary et al.* teaches that a list can be displayed in a control panel and a user can select an item for the list.

In addition, it is respectfully submitted that *Hidary et al.* also fails to teach acquiring a point of access interface that allows the listener to access synchronized data. It is noted that *Hidary et al.* states that a Java enabled browser can allow a computer (16) to retrieve web pages, and a client software retrieves URL's from a video program, interprets the URL's and directs the Java enabled browser to retrieve a web page, and synchronizes the retrieved web page to the video content for display (*Hidary et al.*, Col. 4, line 64 to Col. 5, line 12). Contrary to the Examiner's assertion, it is respectfully submitted that using a web browser to display web content does NOT teach acquiring a point of access interface for a listener.

In the Office Action, the Examiner seems to be asserting that a user that can listen to audio data through the web browser can be considered a listener interface (Office Action, page 5). First, it is respectfully submitted that the user cannot be considered to be a listener interface because, among other things, claim 14 recites the listener interface provides an interface for a data requester to request access to synchronized data. Clearly, the user in *Hidary et al.* who listens to audio connect through a web browser, is not an interface for another entity (e.g., an application program) such that it can be used to request data. Also, it is respectfully submitted that listening to audio through a web browser, does NOT teach accessing synchronized data through the listener interface (claim 14). Clearly, the user in *Hidary et al.* who listens to audio through a web browser is NOT an interface that can be used to access synchronized data by a data requester (e.g., an application program).

Accordingly, it is respectfully submitted that claim 14 is patentable over *Hidary et al.* because *Hidary et al.* fails to teach or suggest the recited features of: a) acquiring a listener interface, (b) acquiring a point of access interface, (c) linking the listener interface to the point of access interface, and (d) accessing synchronized data through the listener interface via the point of access interface. In addition, claims that are dependent on claim 14 are also patentable over *Hidary et al.* for at least these reasons.

Moreover, these dependent claims recite features that render them patentable over the cited art for additional reasons. For example, claim 15 further recites sending a notification to a data requester to indicate that data is ready for access. In the Office Action, the Examiner has asserted that displaying a web page described in *Hidary et al.* reads on the claimed notification because a web page is displayed when synchronized data is received based on a time stamp (Office Action, pages 6 and 7). It is respectfully submitted that displaying a web page does NOT teach or suggest sending a notification to a data requester to indicate that data is ready for access.

Although independent claim 19 is directed to a computer readable media, it recites similar features as those recited in claim 14. Accordingly, it is respectfully submitted that claim 19 and its dependent claims are also patentable over *Hidary et al.* for similar reasons.

#### **Rejection of claims 1-14**

Claim 1 pertains to a receiver suitable for accessing selected portions of synchronized data which is transmitted by a broadcaster in a broadcasting system. Claim 1, among other things, recites a synchronized data accessing system that provides an interface that includes a listener interface that determines if synchronized data is available for access. It should be noted that the listener interface can be used by a data requester to initiate a request to access synchronized data and data can be made available and accessed by the data requester through the interface when the listener interface determines that synchronized data is available. As discussed above, *Hidary et al.* does not teach or suggest these features. Accordingly, it is respectfully submitted that claim 1 is patentable over *Hidary et al.* for at least these reasons.

It should also be noted that claims that are dependent on claim 1 are patentable over *Hidary et al.* for additional reasons. For example, claim 2 recites that the interface is an application programming interface. Contrary to the Examiner's assertion, the Java enabled browser of *Hidary et al.* which is used to display web content does NOT teach or suggest an application programming interface (API) (i.e., a programming interface that can be used by an application program). In addition, it is respectfully submitted that detecting and receiving an embedded URL does neither teach a listener API, nor a point access API for the listener. Claim 3 recites a point access API for the listener API. Claim 4 recites that the synchronized data access system additionally provides a notification. It is respectfully submitted that displaying synchronized content in a video window does NOT teach or suggest providing a notification by a

listener interface to a data requester. Accordingly, it is respectfully submitted that claims 2, 3 and 4 are patentable over *Hidary et al.* for yet additional reasons.

### CONCLUSION

Based on the foregoing, it is submitted that claims 1-14, 16-22 are patentably distinct over *Hidary et al.* It should be noted that new claims 23 and 24 recite similar features as discussed above. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P506). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



R. Mahboubian  
Reg. No. 44,890

P.O. Box 778  
Berkeley, CA 94704-0778  
(650) 961-8300